

**LIMITED SERVICE RESTAURANTS / 32A-4 (Part 3) - VIOLATION GRID**

<b>A. <u>ADVERTISING</u></b>	<b><u>Descriptions</u></b>	<b><u>Code Citation</u></b>	<b><u>Rule Citation</u></b>	<b><u>Degree</u></b>
<p>1. Improper advertising:</p> <p>a. that contains any statement, design, device, or representation that is false or misleading;</p> <p>b. that contains any statement, design, device, or representation that is obscene or indecent;</p> <p>c. that refers to, portrays, or implies illegal conduct, illegal activity, abusive or violent relationships or situation, or anti-social behavior;</p> <p>d. that encourages over-consumption or intoxication, promotes the intoxicating effects of alcohol, or overtly promotes increased consumption;</p> <p>e. that offers any unlawful discounting practice such as “happy hour”, “two for the price of one”, or “all you can drink for \$.....”;</p> <p>f. that encourages or condones drunk driving;</p> <p>g. that depicts the act of drinking;</p> <p>h. that promotes or encourages the sale to or use of alcohol by minors;</p> <p>i. that is directed or appeals primarily to minors by:</p> <p>(1) using any symbol, language, music, gesture, cartoon character, or childhood figure such as Santa Clause;</p> <p>(2) employing any entertainment figure or group that appeals primarily to minors;</p> <p>(3) placing advertising in magazines, newspapers, television programs, radio programs, or other media where most of the audience is reasonably expected to be minors, or placing</p>	<p>32A-12-401(4)</p> <p>32A-12-401(4)</p> <p>32A-12-401(4)</p> <p>32A-12-401(4)</p> <p>32A-12-401(4)</p> <p>32A-12-401(4)</p> <p>32A-12-401(4)</p> <p>32A-12-401(4)</p> <p>32A-12-401(4)</p>	<p>R81-1-17(6)(b), (7)</p> <p>R81-1-17(6)(c), (7)</p> <p>R81-1-17(6)(d), (7)</p> <p>R81-1-17(6)(e), (7)</p> <p>R81-1-17(6)(f), (7)</p> <p>R81-1-17(6)(g), (7)</p> <p>R81-1-17(6)(h), (7)</p> <p>R81-1-17(6)(i), (7)</p> <p>R81-1-17(6)(j), (7)</p>	<p>MOD, *b</p>	

\*a - Class "A" misdemeanor  
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\*c - Class "C" misdemeanor  
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\*e - See rule  
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<p>advertising on the comic pages of magazines, newspapers, or other publications;</p> <p>(4) placing advertising in any school, college or university magazine, newspaper, program, television program, radio program, or other print media, or sponsoring any school, college or university activity;</p> <p>(5) using models or actors in the advertising that are or reasonably appear to be minors;</p> <p>(6) advertising at an event where most of the audience is reasonably expected to be minors;</p> <p>(7) using alcoholic beverage identification, including logos, trademarks, or names on clothing, toys, games or game equipment, or other materials intended for use by minors.</p>			
<p>j. that portrays use of alcohol by a person while that person is engaged in, or is immediately about to engage in, any activity that requires a high degree of alertness or physical coordination;</p>	32A-12-401(4)	R81-1-17(6)(k), (7)	MOD, *b
<p>k. that contains claims of representations that individuals can obtain social, professional, educational, athletic, or financial success or status or solve such problems as a result of consumption;</p>	32A-12-401(4)	R81-1-17(6)(l), (7)	MOD, *b
<p>l. that requires the purchase, sale, or consumption of an alcoholic beverage in order to participate in any promotion, program or other activity;</p>	32A-12-401(4) 32A-12-606(2)	R81-1-17(6)(n), (7)	MOD, *b
<p>m. that implies by use of appealing characters or life-enhancing images that consumption of the product will benefit the consumer's health, physical or sexual prowess, athletic ability, social welfare, or capacity to enjoy life's activities.</p>	32A-12-401(4)	R81-1-17(6)(o), (7)	MOD, *b
<p>2. Offering alcoholic beverages to the general public without charge.</p>	32A-12-401(4), (5) 32A-4-406(9)(f)	R81-1-17(6)(m), (7)	MOD, *b

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<b>B. <u>AUDIT</u></b>	<u>Descriptions</u>	<u>Code Citation</u>	<u>Rule Citation</u>	<u>Degree</u>
1.	Change of floor plan without department approval.	32A-4-303(1)(g) 32A-4-307(6)		MOD
2.	Failure to maintain local licensing.	32A-4-303(1)(d) 32A-4-304(6) Title 11-10(2)		*f
3.	Failure to maintain a compliance bond.	32A-4-303(1)(f) 32A-4-306 32A-4-304(6)	R81-4C-3	*f, *e
4.	Failure to maintain general liability insurance as required.	32A-4-303(1)(h) 32A-4-304(6)	R81-4C-4	*f, *e
5.	Failure to maintain dram shop insurance as required.	32A-4-303(1)(i) 32A-4-304(6)	R81-4C-4	*f, *e
6.	Record maintenance: a. Failure to maintain expense and sales ledgers with required line items and current for each three-month period. b. Failure to keep ID badge records. c. Failure to keep employee alcohol server training records. e. Failure to keep wine dispensing records as required.	32A-4-307(21)(b)(ii)	R81-4C-7(2)(a)  R81-4C-12  R81-1-12(3)  R81-1-10	MOD  MOD  MOD  MOD
7.	Failure to maintain required expense and sales records for three years.		R81-4C-7(2)(a)	MOD
8.	Failure to comply with state and federal laws pertaining to payment of taxes, unemployment funds, etc	32A-1-123 32A-4-304(6)		*f
9.	Failure to maintain 70% food sales.	32A-4-307(23) 32A-4-304(6)	R81-4C-7(2)	*f
10.	Falsification/tampering with records.	32A-4-307(21)(e) 32A-12-303 32A-12-304		GR *b *d
11.	Change of ownership or organizational structure without notifying the department.	32A-4-303(3) 32A-4-307(25)(a)	R81-4C-1	*f

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12. Obstructing or failing to allow an officer or department representative from making a search or investigation.	32A-4-303(1)(j) 32A-12-305 32A-13-109		GR, *b
13. Failure to have printed alcoholic beverage price list on premises, including prices for packaged wine and heavy beer and other service charges.		R81-4C-11(1)(a-c)	MOD
14. Failure to maintain a Responsible Alcohol Service Plan (if Commission ordered).		R81-1-24(4)	SER, *e

**C. CONSUMPTION**

1. More than two alcoholic beverages before a patron at a time.	32A-4-307(7)(e) 32A-12-222(2)(c)		SER, *c
2. Wine portion exceeding 5 ounces.	32A-4-307(3)(a)		MOD
3. Heavy beer served in original container exceeding 1 liter.	32A-4-307(4)(a)		SER
4. 3.2 beer sold in a container exceeding 2 liters.	32A-4-307(5)(a)(ii) 32A-12-206		SER, *b
5. 3.2 beer sold to an individual patron in a container exceeding 1 liter.	32A-4-307(5)(a)(ii)		SER
6. Wine in a 1.5 liter or larger container served to a table of fewer than four patrons.	32A-4-307(3)(b)(i)		MOD
7. Allowing consumption on a premises during license suspension.	32A-4-302(1) 32A-12-301(1)(a)		GR, *b
8. Allowing consumption of alcoholic beverages at other than a patron's table, counter, or "grandfathered" bar structure.	32A-4-307(7)(c)	R81-4C-10(2)	MOD
9. Allowing alcoholic beverages to be consumed at a bar structure that has not been "grandfathered."	32A-4-302(7)(d)	R81-4C-12(10)(1)	MOD

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<u>Descriptions</u>	<u>Code Citation</u>	<u>Rule Citation</u>	<u>Degree</u>
10. Employee consuming alcoholic beverages while on duty.	32A-4-307(17)(a)		SER
11. Permitting a person to become intoxicated, or an intoxicated person to consume.	32A-12-216(1)(a)		GR, *c

**D. DISPENSING**

1. Wine portion exceeding 5 ounces.	32A-4-307(3)(a)		MOD
2. Failure to maintain daily wine dispensing records that include: a. brand of each wine dispensed by the glass; b. portion size and number of portions dispensed by the glass of each wine by brand and sales price level; c. portion size and number of portions sold by the glass of each wine by brand and price level; and d. comparison of the number of portions dispensed to the number of portions sold including an explanation of any variances.		R81-1-10(1)	MOD
3. Failure to obtain department approval for multiple licensed facility storage and service in qualified premises.		R81-1-11(2)(h)	MOD
4. Wine dispensed from a container or package with no official state label affixed.	32A-4-307(1)(a) 32A-12-214, -218(1)(b)	R81-4C-10(3)	GR, *b
5. Allowing a patron to dispense their own alcoholic beverages.	32A-4-307(7)(a)(i), (b)		GR
6. Serving alcohol to a patron at a bar structure that is not "grandfathered."	32A-4-307(7)(d)		MOD

**E. EMPLOYEE:**

1. Lack of alcohol server training and education.	32A-4-307(7)(a)(i) 32A-1-401(1)	R81-1-12	MOD
2. Employee misrepresenting the price of an alcoholic beverage.		R81-4C-11(d)	GR
3. Employee consuming alcoholic beverages while on duty.	32A-4-307(17)(a)		SER

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Descriptions	Code Citation	Rule Citation	Degree
4. Employee intoxicated while on duty.	32A-4-307(17)(b)		GR
5. No or improper identification badge.		R81-4C-12	MIN
6. Employee allowing a person to brownbag an alcoholic beverage onto the premises (except bottled wines).	32A-4-307(14)(a) 32A-12-213		SER, *b
7. Minor employee selling, dispensing or handling alcoholic beverages/ flavorings.	32A-4-307(16)(a)	R81-4C-8(2)	SER
8. Minor employee under 16 years of age entering an alcoholic beverage sale into cash register.	32A-4-307(16)(b)		SER
9. Employee purchasing alcoholic beverages for a patron.	32A-4-307(13)(b)		MOD
10. Employee allowing a patron to leave with an open container of alcoholic beverages.	32A-4-307(15)(a)		SER
11. Supervisor or manager convicted of (or arrested for) designated offense.	32A-4-304(2), (3), (6)		*f

**F. FLAVORINGS:**

1. No labeling of cooking flavorings ("cooking flavoring").		R81-4C-8	SER
2. Minors handling flavorings.	32A-4-307(16)(a)	R81-4C-8(2)	SER

**G. LICENSE:**

1. Unapproved transfer of license to another location.	32A-4-307(24) 32A-12-301(1)(a)		GR, *b
2. Attempt to sell, transfer, barter, give, etc. license to another entity.	32A-4-303(3) 32A-4-307(25)(a)		GR
3. DABC license not displayed.	32A-4-307(19)(a)		MIN
4. Selling alcoholic beverages during a license suspension.	32A-4-302(1) 32A-12-301(1)(a)		GR, *b
5. Operating without a license.	32A-4-302(1)		GR, *b

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<u>Descriptions</u>	<u>Code Citation</u>	<u>Rule Citation</u>	<u>Degree</u>
	32A-12-201(7), -301(1)(a)		
6. Failure to post suspension sign.	32A-1-119(6)(e)		GR

**H. LICENSEE:**

<p>1. After the day the restaurant license is granted a partner, managing agent, manager, officer, director, 20% stockholder, 20% LLC member, or employee in a supervisory or managerial capacity <u>is found to have been convicted</u> of any of the following offenses <u>prior</u> to the license being granted:</p> <ul style="list-style-type: none"> <li>a. a felony;</li> <li>b. a violation concerning the sale, manufacture, distribution, warehousing, adulteration, or transportation of alcoholic beverages; or</li> <li>c. a crime of moral turpitude.</li> <li>d. driving under the influence of alcohol, any drug, or the combination of the two – twice within 5 years.</li> </ul>	<p>32A-4-304(2)(a) 32A-4-304(6)</p>	R81-1-16	*f
<p>2. On or after the day the restaurant license is granted, a partner, managing agent, manager, officer, director, 20% stockholder, 20% LLC member, or employee in a supervisory or managerial capacity <u>is convicted of</u>:</p> <ul style="list-style-type: none"> <li>a. a felony;</li> <li>b. a violation concerning the sale, manufacture, distribution, warehousing, adulteration, or transportation of alcoholic beverages;</li> <li>c. a crime of moral turpitude; or</li> <li>d. driving under the influence of alcohol, any drug, or the combination of the two for a second time within 5 years.</li> </ul>	<p>32A-4-304(2)(b) 32A-4-304(6)</p>	R81-1-16	*f

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<u>Descriptions</u>	<u>Code Citation</u>	<u>Rule Citation</u>	<u>Degree</u>
3. On or after the day the restaurant license is granted, a partner, managing agent, manager, officer, director, 20% stockholder, 20% LLC member, or employee in a supervisory or managerial capacity is <u>arrested for</u> : a. a felony; b. a violation concerning the sale, manufacture, distribution, warehousing, adulteration, or transportation of alcoholic beverages; c. a crime of moral turpitude; or d. driving under the influence of alcohol, any drug, or the combination of the two for a second time within 5 years.	32A-4-304(3) 32A-4-304(6)	R81-1-16	*f
4. Falsification/tampering with records.	32A-4-307(21)(e) 32A-12-303(2), -304		GR, *b, *d
5. False statement.	32A-12-304		GR, *d
6. A minor is found to be serving as a partner, managing agent, manager, officer, director, 20% stockholder, or 20% member of an LLC.	32A-4-304(5)		*f
7. Licensee purchasing alcoholic beverages for a patron.	32A-4-307(13)(a)		MOD
8. Failure to notify department of any change in restaurant ownership.	32A-4-303(3) 32A-4-307(25)(a)		*f
9. Requiring that a person be willing to serve alcoholic beverages as a condition of employment.	32A-4-307(27)		GR
10. Licensee no longer possesses qualifications required for obtaining the license.	32A-4-304)(6)		*f, *g

**I. MULTIPLE-LICENSED FACILITY STORAGE AND SERVICE:**

1. Failure to keep daily dispensing records showing the amount of wine dispensed to each licensed location.		R81-1-11(2)(a)	MOD
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2. Failure to keep daily dispensing records showing amount of beer dispensed to each licensed location.		R81-1-11(2)(b)	MOD
3. Point of sale system does not record the amounts of each alcoholic beverage product sold in each location.		R81-1-11(2)(c)	MOD
4. Dispensing and sales records not balanced daily.		R81-1-11(2)(c)	MOD
5. Cost allocations of each alcoholic beverage product cost not made on a monthly basis.		R81-1-11(2)(d)	MOD
6. Dispensing alcoholic beverages to a licensed location on a prohibited day or time pertinent to that license type.		R81-1-11(2)(e)	MOD
7. Liquor unlocked at times not allowed for a license type when storage area is shared.		R81-1-11(2)(f)	MOD
8. Using multiple dispensing and/or storage without first obtaining department approval.		R81-1-11(2)(h) & (3)(a)	MOD
9. Inability to account for each licensee's alcoholic beverages when using a common storage area.		R81-1-11(3)(b)	MOD

**J. OPERATIONS:**

1. Closure in excess of 240 hours without notification and approval of the department.	32A-4-307(22)(a, b, e)		*g
2. Closure in excess of 90 days without Commission approval.	32A-4-307(22)(c)(iii)		*g
3. Failure to reopen and resume business by the approved date.	32A-4-307(22)(f)		<b>*g</b>
4. Seasonal operator opening on days outside the designated season.	32A-4-302(1) & (3)(a)(ii) 32A-12-202, -301(1)(a)		MOD, *b
5. Minors handling alcoholic beverages/ flavorings.	32A-4-307(16)(a)	R81-4C-8(2)	SER
6. Minor employee under 16 years of age entering an alcoholic beverage sale into cash register.	32A-4-307(16)(b)		SER
7. Failure to maintain 70% food sales.	32A-4-307(23) 32A-4-304(6)	R81-4C-7(2)	*f

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8. Warning sign not displayed.	32A-4-307(19)(b)		MIN
9. DABC license not displayed.	32A-4-307(19)(a)		MIN
10. Refusing proper entry to the department, commission, or law enforcement officers.	32A-4-303(1)(j) 32A-12-305 32A-13-109		GR, *b
11. Selling wine not purchased through DABC (possession of illegal liquor).	32A-4-307(1)(a) 32A-12-201(7), -214, -208, -218		GR, *b, *d
12. Not following department liquor order and return procedures.	32A-3-307(1)(a)	R81-4C-5	MOD
13. Bad checks tendered to department.	32A-1-113(5) 32A-4-307(1)(c)	R81-1-3(6)	*e, *g
14. Possess, purchase, sell, or acquire illegal beer.	32A-4-307(5)(b)(ii) & (c), 32A-10-101(3) 32A-10-102(1) 32A-12-201(7), -208		GR, *a, *b
15. No printed price list available for patrons.		R81-4C-11(1)(a, b, & c)	MIN
16. Price list does not include service charges for wine and heavy beer.		R91-4C-11(1)(a)	MIN
17. Allowing a patron to bring alcoholic beverages onto the premises (except bottled wine). (brown-bagging)	32A-4-307(14)(a) 32A-12-201(7), -213		SER, *b
18. Allowing a patron to bring illegal wine onto premises (no state label).	32A-12-218 32A-12-213(2)	R81-1-3(1) & (2)	SER, *b
19. Allowing a patron to leave the premises with an open container of alcoholic beverages.	32A-4-307(15)(a)		MOD
20. Attire and conduct violations including allowing lewd acts or visual reproductions depicting lewd acts.	32A-1-601, -602, -604		GR
21. Allowing gambling or video gaming devices on the premises of the restaurant.	32A-4-307(20)		GR
22. Obstructing an officer or department representative from making a search or investigation.	32A-4-303(1)(j) 32A-12-305 32A-13-109		GR, *b

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23. Offering free alcoholic beverages to patrons.	32A-4-307(12)(g) 32A-12-401(4), (5)	R81-1-17(6)(m), (7)	MOD, *b, *g
24. Permitting a person to become intoxicated, or an intoxicated person to consume.	32A-12-216(1)(a), (2)		GR, *c
25. Failure to obtain department approval for multiple licensed facility storage and service.		R81-1-11(2)(h)	MOD
26. Unauthorized multiple locations (hotels).	32A-4-302(3)(c) 32A-12-202		MOD, *b
27. Licensee purchasing alcoholic beverages for a patron.	32A-4-307(13)		MOD
28. Failure to post suspension sign.	32A-1-119(6)(e)		GR
29. Knowingly allowing illegal drug activity on premises.	32A-4-307(28)		GR
30. Allowing a minor to be seated at a bar structure.	32A-4-307(6)(d)(iii)		MOD

**K. SALES**

1. Selling liquor not purchased through DABC (possession of illegal liquor).	32A-4-307(1)(a) 32A-12-201(1, 7), -214, -208, -218(1)		GR, *b, *d
2. Selling illegally acquired beer.	32A-4-307(5)(b)(ii) & (c) 32A-10-101(3) 32A-10-102(1) 32A-12-201(7), -208		GR, *a, *b
3. Sale of, or offered for sale, liquor during unauthorized days, times, or places.	32A-4-307(9)(a) 32A-12-202	R81-4C-6	MOD, *b
4. Sale of, or offered for sale, beer during unauthorized days, times, or places.	32A-4-307(9)(b) 32A-10-206(4)(a) 32A-12-202		MOD, *b

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5. Sell, deliver, or furnish alcoholic beverages to:			
a. minor	32A-4-307(11)(a) 32A-12-203		SER, *a, *b
b. intoxicated person	32A-4-307(11)(b) 32A-12-204		GR, *a, *b
c. any known habitual drunkard	32A-4-307(11)(c)		GR
d. any known interdicted person	32A-4-307(11)(d) 32A-12-205		GR, *b
6. Sale of alcoholic beverages <i>by</i> a minor.	32A-4-307(16)(a)	R81-4C-8(2)	SER
7. Sale of alcoholic beverages during emergencies.	32A-12-207		GR, *b
8. Sale of alcoholic beverages without a license or during a license suspension.	32A-4-302(1) 32A-12-301(1)(a)		GR, *b
9. Sale of:			
a. drink containing spirituous liquor	32A-4-307(2)(a)		SER, *b
b. flavored malt beverage	32A-12-201(7)		
10. Sale of dispensed wine in portions exceeding 5 ounces.	32A-4-307(3)		MOD
11. Sale of heavy beer in original container exceeding 1 liter.	32A-4-307(4)(a)		SER
12. Sale of 3.2 beer in an open container exceeding 2 liters.	32A-4-307(5)(a)(ii) 32A-12-206		SER
13. Sale of 3.2 beer to an individual patron in an open container exceeding 1 liter.	32A-4-307(5)(a)(ii)		SER

\*a - Class "A" misdemeanor  
\*b - Class "B" misdemeanor

\*c - Class "C" misdemeanor  
\*d - 2<sup>nd</sup> degree felony

\*e - See rule  
\*f - Licensee/permittee qualification

\*g - See statute  
\*h - 3<sup>rd</sup> degree felony

**LIMITED SERVICE RESTAURANTS / 32A-4 (Part 3) - VIOLATION GRID**

<u>Descriptions</u>	<u>Code Citation</u>	<u>Rule Citation</u>	<u>Degree</u>
14. Sale of wine in a 1.5 liter or larger container to a table of fewer than four patrons.	32A-4-307(3)(b)(i)		MOD
15. Sale of more than two alcoholic beverages to a patron at a time.	32A-4-307(7)(e) 32A-12-222(2)(c)		SER, *c
16. Allowing a patron to dispense their own alcoholic beverages.	32A-4-307(7)(a)(i), (b)		GR
17. Discounting prices:			
a. Selling wine and heavy beer at prices other than those fixed by the commission. (discounting prices)	32A-4-307(12)(a)		MOD
b. Selling alcoholic beverages at less than cost	32A-4-307(12)(b)		MOD
c. Selling alcoholic beverages at a special or reduced cost that encourages over consumption or intoxication	32A-4-307(12)(c)		MOD
d. Selling alcoholic beverages for special or reduced prices at certain times. (happy hour)	32A-4-307(12)(d)		MOD
e. Selling more than one alcoholic beverage for the price of a single alcoholic beverage	32A-4-307(12)(e)		MOD
f. Selling of an indefinite or unlimited number of alcoholic beverages during any set period for a fixed price	32A-4-307(12)(f)		MOD
18. Misrepresenting the brand of liquor contained in a drink.	32A-12-219		GR
19. Misrepresenting the price of an alcoholic beverage.		R81-4C-11(d)	GR
20. Selling any brand of alcohol not identical to that ordered by the patron.	32A-12-219		GR
21. Sale of alcoholic beverages without an order of food.	32A-4-307(10)	R81-4C-7(1)	SER

\*a - Class "A" misdemeanor  
\*b - Class "B" misdemeanor

\*c - Class "C" misdemeanor  
\*d - 2<sup>nd</sup> degree felony

\*e - See rule  
\*f - Licensee/permittee qualification

\*g - See statute  
\*h - 3<sup>rd</sup> degree felony

**LIMITED SERVICE RESTAURANTS / 32A-4 (Part 3) - VIOLATION GRID**

<u>Descriptions</u>	<u>Code Citation</u>	<u>Rule Citation</u>	<u>Degree</u>
22. No written or improper alcoholic beverage tab.	32A-4-307(26)	R81-4C-7(1)	GR

**L. STORAGE**

1. Change of floor plan without department approval.	32A-4-303(1)(g) 32A-4-307(6)		MOD
2. Wine and heavy beer storage not locked at all times other than those hours and days when sales and service are authorized.	32A-4-307(8)		MOD

**M. OTHER**

1. Unlawful importations.	32A-12-201(1), (2), & (7), -214		GR, *h
2. Spirituous liquor or flavored malt beverage on the premises.	32A-4-307(2)(b)&(c)		SER

**N. TRADE PRACTICES**

See violation grid - Industry Trade Practices.

\*a - Class "A" misdemeanor  
\*b - Class "B" misdemeanor

\*c - Class "C" misdemeanor  
\*d - 2<sup>nd</sup> degree felony

\*e - See rule  
\*f - Licensee/permittee qualification

\*g - See statute  
\*h - 3<sup>rd</sup> degree felony